



City of Johnson City Tennessee

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BOARD OF ZONING APPEALS CITY OF JOHNSON CITY, TENNESSEE

Minutes of the Meeting of
June 11, 2013

The Board of Zoning Appeals held its meeting on June 11th at 9:00 a.m. in the City Commission Chambers of the Municipal and Safety Building.

Members Present

Dwight Harrell, Vice Chairman
Jamie Povlich
Tim O'Neill,

Staff Present

Steve Neilson, Development Coordinator

Mr. Harrell called the meeting to order at 9:00 a.m.

Minutes

The Minutes of the May 14th meeting were considered for approval.

MOTION: Povlich **To approve the minutes of the May 14, 2013 meeting.**

SECOND: O'Neill

VOTE: Approved 3-0

Case No. 771-1

Mr. Neilson stated that this was a request for a variance to the rear yard setback from 25 feet to 20 feet to allow the petitioner to enclose a deck at 30 Cherokee Ridge Court. He stated that this was identical to the request heard two months ago.

Mr. Neilson stated that the development began construction in 1997 and at that time Cherokee Ridge Court was a private drive. However, in 2009 the street became a public street, which changed the building setbacks. Up to this point, Cherokee Road was considered the front yard and the petitioner's current rear yard was considered a side yard. However, when Cherokee Ridge Court became a public street, that property line became the rear yard.

Mr. Neilson stated that he felt this was a unique situation which would have minimal impact on adjoin properties, and is similar to the request heard in April. He then recommended approval of this request.

MOTION: Povlich To approve this variance request

SECOND: O'Neill

VOTE: Approved 3-0.

Case No. 771-2

Mr. Neilson indicated that this was a request to reduce the number of required parking spaces from 30 spaces to 20 spaces for a proposed residential development at 71 Cherry Street. He stated that the property is in the process of being rezoned from B-2 to B-3. The petitioner is Mr. Marvin Carter.

Mr. Neilson stated that this item went before them in May 2012 for a variance to the front yard setback. The petitioner received a variance, however, the petitioner never obtained a building permit. Since then, the B-2 has been amended to prohibit residential use on the first floor. The petitioner came in to get a building permit, but unfortunately staff could not approve it because it had been a year and it was not grandfathered. The petitioner is now in the process to rezone the property to B-3 which allows residential uses on the first floor. However, under the B-3 the petitioner must meet the parking requirements. He indicated that the petitioner felt that the proposed parking was adequate and that there was a public parking across the street.

Mr. Neilson indicated that this was a self-created hardship because the petitioner could easily remove a couple of units to provide space for the required spaces. He then recommended denial of the request.

Mr. Todd Carter spoke in favor of the request. He indicated that when this project was started, no parking was required, but he still provided 20 spaces which he felt were adequate for the project. He felt that the Downtown residents in general were different and were less reliant on automobiles. In addition, he agreed to provide a bike rack to reduce the number of required spaces. Mr. Carter indicated that he had a neighborhood meeting as part of the rezoning request and only two people attended. Both were in favor of the project.

Shannon Castillo, EDC, Redevelopment Director spoke in favor of this request.

Mr. Povlich asked Mr. Carter if he had approached the State about using their parking lot behind the proposed site. Mr. Carter stated that he would contact the State.

Mr. Marvin Carter spoke in favor of the request.

Mr. Harrell indicated that he felt that this was a unique situation in that a year ago he could have built the project without any parking.

MOTION: Povlich To approve this variance request conditioned upon the petitioner installing a bike rack and upon the property being rezoned to B-3.

SECOND: O'Neill

VOTE: Approved 3-0.

There being no further business, the meeting adjourned at 9:32 a.m.

APPROVED:

Jeff Benedict, Chairman
Board of Zoning Appeals